

D. GILBERT ATHAY (0143)  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH CENTRAL DIVISION

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UNITED STATES OF AMERICA, :  
Plaintiff, : OBJECTIONS TO PRESENTENCE  
vs. : INVESTIGATION REPORT  
ROBERT LOVATO, : Case No. 2:18CR31  
Defendant. : Judge Tena Campbell

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The Defendant, Robert Lovato, through his lawyer, D. Gilbert Athay, herewith objects to the Presentence Investigation Report filed herein as follows:

Mr. Lovato objects to Paragraph 97, adjustment for role in the offense which concludes that he was an organizer, leader, manager, or supervisor in any criminal activity, this allowing for a two-level increase in his guideline calculation. Mr. Lovato admits his participation in criminal activity but denies that he played the role of organizer, leader, manager or supervisor in any criminal activity. Mr. Lovato, while participating in criminal activity, was supervised, directed and managed by others in the conspiracies. All of his activities were carefully controlled and supervised by others. He had no authority to supervise, manage, organize or lead any others. All of his actions were supervised and directed by other members of the conspiracy. A two-level

upward adjustment is not warranted here.

DATED: January 29, 2020.

/s/ D. Gilbert Athay  
D. Gilbert Athay  
Lawyer for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

United States Attorney's Office  
111 East Main Street, Suite 1800  
Salt Lake City, Utah 84111

/s/ Heather M. Stokes

